

ORDINANCE 22-39

AN ORDINANCE TO AMEND TITLE 8, BY ADDING CHAPTER 4, USE AND SALE OF ALCOHOLIC BEVERAGES IN PARKS

BE IT ORDNANIED BY THE CITY OF LEWISBURG THAT:

WHEREAS, the City of Lewisburg is determined to keep city facilities including all parks and public property clean and safe for the public;

WHEREAS, the City of Lewisburg has recognized that the alcohol in public parks should be regulated for the safety and welfare of the public;

- 1. **Title 8, Chapter 4, Municipal Code shall be added to include as follows:**

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER 4 USE AND SALE OF ALCOHOLIC BEVERAGE IN PARKS

SECTION

8-401. Use or sale of alcoholic beverages in city parks; ejection.

8-402. Citation; city court adjudication; assessment of civil fine.

8-403. Use or sale of alcoholic beverages permitted in certain parks.

4-404. Use or sale of alcoholic beverages by the city department of parks and recreation and Municipal golf courses.

8-405. Possession, use, sale, and distribution of alcoholic beverages by private individuals, organizations, or entities.

Sec. 8-401. Use or sale of alcoholic beverages in city parks; ejection.

It shall be unlawful for any person, organization, association, or entity to possess, use, consume, sell, distribute, or otherwise provide any alcoholic beverage while upon, on, or inside the boundary of any city park or recreational center or facility, except may otherwise be provided in this chapter. Any person, organization, association, or entity in violation of this chapter, or other state laws of general application, or local ordinances, may be required to leave the premises by any employee of the city department of parks and recreation, or by any city employed security officer, and ejected and removed from the premises by any city law enforcement officer. It shall be unlawful, a trespass, and a violation of this section, for any person, organization, association, or entity to refuse to leave the premises upon request by any employee of the city department of parks and recreation, or by any city employed security officer, or city law enforcement officer.

Sec. 8-402. Citation; city court adjudication; assessment of civil fine.

Any city law enforcement officer or city employed security officer, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The City Court Judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of \$100 dollars (\$100.00) for each violation.

Sec. 8-403. Use or sale of alcoholic beverages permitted in certain parks.

Notwithstanding the provisions of section 8-401 above, the possession, use, consumption, sale, distribution, or provision of alcoholic beverages shall be permitted at the following city public parks upon proper permit application and approval by the city, subject to the provisions

and requirements and in manner not otherwise inconsistent with state law of general application and other local ordinances and the provisions of this chapter, and further subject to rules, regulations and procedures pertaining to same as may be adopted from time to time by the City:

- (1) **Rock Creek Park**
- (2) **Public Square Park**
- (3) **Lewisburg Recreation Center**
- (4) **Jones Park**
- (5) **Southside Adult Softball Fields**

Sec. 4-404. Use or sale of alcoholic beverages by the city department of parks and recreation and Municipal golf courses.

The department of parks and recreation, and all city-owned municipal golf courses, shall have authority to sell, distribute or otherwise provide alcoholic beverages at the city parks or recreation facilities designed in section 8-403, subject to and in accordance with the provisions and requirements of state law or general application and other local ordinances. The department shall establish rules regulations and procedures governing same, to include the acquisition, storage, safekeeping, and inventory of stock, and accounting for the receipts and expenditures related to the sale, distribution, or provision of alcoholic beverages, and establishing prices for sales of same, which shall be subject to approval of the parks and Recreation Committee of the City Council. The Department of Parks and Recreation is authorized and empowered to take whatever steps or action is or may be required, to include obtaining any necessary licenses or permits, to carry out the provisions of this section.

Sec. 8-405. Possession, use, sale, and distribution of alcoholic beverages by private individuals, organizations, or entities.

(1) Notwithstanding any other provision to the contrary in this chapter, the City shall have authority to permit private individuals, organizations or entities who have gone through the proper permitting and approval process to consume, distribute, sale or otherwise provide alcoholic beverages at the above-noted parks subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of local, state, and federal law of general application and other local ordinances pertaining to same. The City shall establish rules regulations and procedures governing same which shall be subject to approval by the City.

(2) Individuals, organizations, or entities who desire to sell alcoholic beverages or otherwise charge a fee in any manner for the use or consumption of alcoholic beverages on said premises during the time they have rented or reserved city facilities same shall be required to use the services and alcoholic beverage stock of either the city department of parks and recreation, or the services and alcoholic beverage stock of a caterer or other vendor approved by the department of parks and recreation who meet all requirements of state law and local ordinances, to include any necessary licenses and permits. The department shall establish rules, regulations and procedures governing same which shall be subject to approval of the parks and recreation committee and the City Council. This shall not be required if the City does not have this in place or the City waives the requirement in writing.

(3) As an exception to subsection (2) above, any bona fide charitable or non-profit organization as defined by the United States Internal Revenue, an organization that has applied for non-profit status or bona fide political organization as defined by the United States Internal Revenue Code as may be amended from time to time, and recognized as such by the United States Internal Revenue Service, upon proper permit obtained from the City, may be permitted to sell or otherwise distribute beer, as defined by state law of general application and as may be amended from time to time, using their own stock and staff, subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of state law of general application, and other local ordinances pertaining to same, and provided further that any such non-profit organization does not share or otherwise provide any proceeds from any such sales to any other for-profit individual, business, organization, or entity. No non-profit organization may be issue more than (1) permit during any 30-day period, and no more than four (4) permits during any calendar year. No permit granted by the city to one non-profit organization may be used by any other non-profit organization or any other individual, business, organization, or entity. Approved permits may not exceed 48 hours in duration and must be consecutive. The specific area where alcohol sales take place must

be located within a demarcated area separated from patrons by a suitable barrier, and the area supervised by a responsible adult of at least twenty-one (21) years of age, to prevent unauthorized possession of any alcoholic beverages by underage individuals. The City shall establish rules, regulations and procedures governing same which shall be subject to approval of the City. Thirty days' notice is required by the Beer Board for a temporary permit.

- (4) Thirty days' notice must be given to reserve any of the parks.
- (5) Last call for alcohol must be made by 9:00 pm and all alcohol must be off the premises by 10:00 pm.
- (6) Wristbands are required for anyone being served alcohol and alcohol must remain in the designated area as marked by signage and/or fencing.
- (7) Notwithstanding any other provision to the contrary in this chapter any private individuals may possess, use, or consume alcoholic beverages, and may distribute or otherwise provide alcoholic beverages, without charge, to others, subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of state law of general application, and other local ordinances pertaining to same, while on or within the property line boundaries of any city-owned municipal golf course, or while on any and may possess unopened containers of alcoholic beverages while ingressing, egressing, or otherwise through the golf course but they shall not be visible anywhere but the golf course.


BE IT FURTHER ORDAINED that this Ordinance shall take effect 15 days from and after its passage on Second and final reading, the municipal welfare requiring it.

Passed 1st reading: December 13, 2022

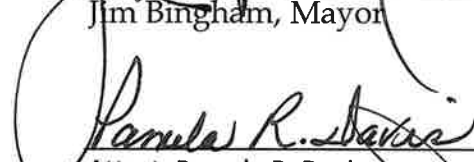
Passed 2nd and final reading: January 10, 2023

Public Hearing held: January 10, 2023

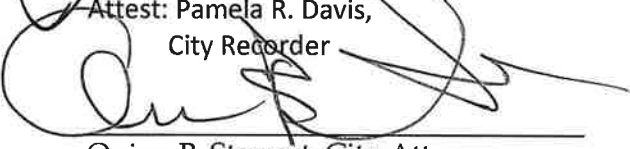
Approved as to legality and form:



 Jim Bingham, Mayor



 Attest: Pamela R. Davis,
 City Recorder



 Quinn B. Stewart, City Attorney